

108TH CONGRESS  
1ST SESSION

# H. R. 3461

To bar Federal agencies from accepting for any identification-related purpose a State-issued driver's license, or other comparable identification document, unless the State has in effect a policy requiring presentation of acceptable forms of identification prior to issuance of the license or document, and the State requires the license or document, if issued to a nonimmigrant alien, to expire upon the expiration of the alien's authorized period of stay in the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2003

Mr. FLAKE introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To bar Federal agencies from accepting for any identification-related purpose a State-issued driver's license, or other comparable identification document, unless the State has in effect a policy requiring presentation of acceptable forms of identification prior to issuance of the license or document, and the State requires the license or document, if issued to a nonimmigrant alien, to expire upon the expiration of the alien's authorized period of stay in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. IMPROVEMENTS IN IDENTIFICATION-RELATED**  
4 **DOCUMENTS.**

5 (a) PROOF OF IDENTITY.—

6 (1) IN GENERAL.—A Federal agency may not  
7 accept for any identification-related purpose a driv-  
8 er's license, or other comparable identification docu-  
9 ment, issued by a State to any person, unless the  
10 application process for the license or document in-  
11 cludes the presentation by the applicant of evidence  
12 of identity in accordance with this subsection.

13 (2) GENERAL REQUIREMENTS.—

14 (A) NUMBER OF DOCUMENTS.—The appli-  
15 cant shall present—

16 (i) 2 documents described in this sub-  
17 section, if at least 1 contains a clear photo-  
18 graph of the applicant and at least 1 is a  
19 primary document; or

20 (ii) 3 documents described in this sub-  
21 section, if at least 1 is a primary docu-  
22 ment.

23 (B) ORIGINALS OR CERTIFIED COPIES.—

24 All documents presented shall be originals or  
25 copies certified by the issuing agency.

1 (C) ENGLISH.—All documents presented  
2 shall be in English.

3 (3) PRIMARY DOCUMENTS.—For purposes of  
4 this subsection, the following shall be considered pri-  
5 mary documents, if they include the date of birth of  
6 the applicant:

7 (A) Birth certificate (or delayed birth cer-  
8 tificate) issued in any State, territory, or pos-  
9 session of the United States.

10 (B) United States Certificate of Birth  
11 Abroad.

12 (C) United States passport.

13 (D) Foreign passport with a visa valid for  
14 admission into the United States, and an ad-  
15 mission stamp or Arrival-Departure Record  
16 (Department of Homeland Security Form I-94)  
17 in the passport.

18 (E) Arrival-Departure Record (Department  
19 of Homeland Security Form I-94) with a pho-  
20 tograph.

21 (F) Alien Registration Receipt Card (De-  
22 partment of Homeland Security Form I-551)  
23 (issued after March 1977).

1 (G) Employment Authorization Card (De-  
2 partment of Homeland Security Form I-688A,  
3 I-688B, or I-766).

4 (H) United States Certificate of Natu-  
5 ralization.

6 (I) United States Certificate of Citizen-  
7 ship.

8 (J) Driver's license, instruction permit, or  
9 identification card issued by any State, terri-  
10 tory, or possession of the United States after  
11 the effective date of this Act.

12 (K) Tribal Certificate of Indian Blood.

13 (L) Tribal or Bureau of Indian Affairs Af-  
14 fidavit of Birth.

15 (M) Department of Defense Certificate of  
16 Release or Discharge from Active Duty (DD  
17 Form 214).

18 (N) Department of Defense identification  
19 card issued to an active duty, reserve, or retired  
20 member of the Armed Forces of the United  
21 States.

22 (4) SECONDARY DOCUMENTS.—For purposes of  
23 this subsection, the following shall be considered sec-  
24 ondary documents:

1 (A) Department of Defense identification  
2 card issued to a dependent.

3 (B) Department of Defense driver's li-  
4 cense.

5 (C) Social Security Card.

6 (D) Motor vehicle record or clearance let-  
7 ter (within 30 days of issue).

8 (E) Legal guardian affidavit.

9 (F) Selective Service System Registration  
10 Acknowledgement Card.

11 (G) Department of the Treasury, Internal  
12 Revenue Service Form W-2 Wage and Tax  
13 Statement.

14 (H) Department of Veterans Affairs identi-  
15 fication card.

16 (I) Concealed weapon permit.

17 (J) Medical insurance identification card.

18 (K) Professional license.

19 (L) Bank card.

20 (M) Credit card.

21 (N) Employee identification badge (with  
22 photograph).

23 (O) School identification card (with photo-  
24 graph).

1 (P) Marriage license issued by any State,  
2 territory, or possession of the United States.

3 (Q) Any of the following orders or decrees  
4 from a court of record:

5 (i) Divorce.

6 (ii) Adoption.

7 (iii) Name change.

8 (iv) Bankruptcy.

9 (v) Emancipation.

10 (b) EXPIRATION OF IDENTIFICATION DOCUMENTS  
11 ISSUED TO NONIMMIGRANTS.—A Federal agency may not  
12 accept for any identification-related purpose a driver’s li-  
13 cense, or other comparable identification document, issued  
14 by a State to any person, unless the State has in effect  
15 a policy requiring any such license or document, when  
16 issued by the State to a nonimmigrant alien, to bear an  
17 expiration date that is not later than—

18 (1) the last day of the nonimmigrant alien’s  
19 lawfully authorized period of stay in the United  
20 States; or

21 (2) 5 years after the date on which the license  
22 or document is issued, in any case in which the non-  
23 immigrant alien’s lawfully authorized period of  
24 stay—

1 (A) is modified at any time after the  
2 alien's admission into the United States; or

3 (B) does not expire on a date certain.

4 (c) GRANTS TO STATES.—The Secretary of Home-  
5 land Security shall make grants to States to assist them  
6 in complying with the requirements described in sub-  
7 sections (a) and (b).

8 (d) EFFECTIVE DATE.—This section shall take effect  
9 one year after the date of the enactment of this Act, but  
10 shall apply only to licenses or documents issued to a non-  
11 immigrant alien for the first time after such effective date  
12 and to replacement or renewal licenses or documents  
13 issued according to State law after such effective date.

14 (e) DEFINITIONS.—For purposes of this section:

15 (1) FEDERAL AGENCY.—The term “Federal  
16 agency” means any of the following:

17 (A) An Executive agency (as defined in  
18 section 105 of title 5, United States Code).

19 (B) An agency in the judicial branch of the  
20 Government of the United States.

21 (2) NONIMMIGRANT ALIEN.—The term “non-  
22 immigrant alien” means an alien who is lawfully ad-  
23 mitted to the United States by reason of having pre-  
24 sented at the port of entry a valid unexpired non-

- 1 immigrant visa issued under section 221 of the Im-
- 2 migration and Nationality Act (8 U.S.C. 1201).

